



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

URGENT LEGAL MATTER - PROMPT REPLY NECESSARY

CERTIFIED MAIL - RECEIPT REQUESTED # P 571 500 606

April 9, 1993

ATTN: Mr. Ken Smith, Landfill Director, City of Garland
Rowlett Creek
P.O. Box 469002
Garland, TX 75046-9002

RE: Site Reconnaissance Inspection/Sampling Inspection
Castle Drive & Miles Road Landfill, Garland, TX, TXD980750368

Dear Mr. Smith:

The purpose of this letter is to request you to voluntarily permit the U.S. Environmental Protection Agency (EPA), and its officers, employees or representatives, authorized by EPA, including but not limited to Fluor Daniel, Inc., 68-W9-0013, access to the above referenced property located at the corner of Castle Drive and Miles Road so EPA can enforce the provisions of the Comprehensive Environmental Responsibility Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9601 et seq., copy pertinent documents or records, inspect the site, and obtain samples of any suspected hazardous substance or pollutant or contaminant found on site. A description of the property or a map identifying the site for which access is required is attached.

Specifically, Fluor Daniel has been requested by the EPA, Region 6 to conduct a site reconnaissance inspection/sampling inspection of Castle Drive & Miles Road Landfill to further assess the degree of risk to the public health, welfare, and environment related to hazardous substances, pollutants or contaminants that may be present at the site. Based on preliminary file information, EPA finds it necessary to perform this site reconnaissance inspection/sampling inspection at your site pursuant to 40 CFR 300.400 SubPart E.

Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), explicitly grants EPA the authority to enter a property at reasonable times to inspect and obtain samples from any location of any suspected hazardous substance or pollutant or contaminant. Further, the cited section authorizes EPA to require any person who has or may

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have information relating to any of the following to furnish information or documents relating to:

1. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
2. The nature or extent of a release of a hazardous substance, or pollutant, or contaminant at or from a vessel or facility;
3. Information relating to the ability of a person to pay for or perform a cleanup.

It is EPA policy to seek voluntary cooperation from the public when possible. Consequently, EPA is making this request for access to the property and records mentioned above. EPA hopes that you will voluntarily comply by signing, dating and returning the enclosed Consent for Access to Property, to the address indicated below within seven days of your receipt of this letter. Please mail it to:

Stacey Bennett
Superfund Site Assessment
Hazardous Waste Section (6E-SH)
USEPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

If EPA does not receive the enclosed consent for access to the property, signed and dated by you, EPA will treat your failure to respond as a denial of access. Please note that EPA will not agree to conditions which will restrict or impede the manner of extent of an inspection or response action, impose indemnity or compensatory obligations on EPA, or operate as a release of liability. Should you impose conditions of this nature in the consent for access to the property, EPA will treat this as a denial of consent.

Failure to grant EPA access may result in the issuance of an order directing compliance with EPA's request for access. Failure to comply with such an order may result in a civil action in United States District Court to enjoin compliance with the order. EPA may also seek the assessment of a civil penalty not to exceed \$25,000 per day of noncompliance with the order.

You may assert a business confidentiality claim covering part of the information you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or

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typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential."

Confidential portions of otherwise nonconfidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If you make such claim, the information by that claim will be disclosed by EPA only to the extent, and by the means of the procedures, set forth in Subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and amended on September 8, 1978, and December 18, 1985.

As part of the information gathering process, the collection of samples from your site may become necessary. This collection process may generate Investigation Derived Wastes, (IDWs). Fluor Daniel will manage these IDWs in the most responsible manner consistent with EPA policy regarding these wastes, which is to leave site conditions essentially unchanged, such as to return soil cuttings to the location from which they were taken or properly to dispose of the IDWs.

Field inspection activities for the reconnaissance inspection are planned for the week of May 10, and field inspection activities for the sampling inspection are planned for the week of June 21. You will be given at least two (2) weeks notice prior to the site visit. William Walters will be contacting you to verify the exact dates of this visit. During the visit you will be provided with a receipt describing any samples obtained and, if you so request, you will be given a portion of each sample. There will be no charge for the samples EPA provides you. If you would like a portion of each sample, please put a check mark in the space provided in the enclosed consent of access to property. If you do not wish to be provided with a portion of each sample, please put a check mark in the alternative space. If you do not mark any space, EPA will treat your failure to respond as your statement that you do not wish to be provided with a portion of each sample.

You can obtain a copy of the resulting inspection report and analytical data by writing to Ed Sierra, Chief, Superfund Site Assessment Section (6H-MA), EPA Region 6, 1445 Ross Avenue (6H-MA), Suite 1200, Dallas, Texas 75202-2733.

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In future inquiries, please indicate your site's EPA I.D. Number and name as listed, to ensure prompt processing. If you have any questions concerning this matter, please contact me at (214) 655-8374.

Sincerely,

Stacey Bennett
Superfund Site Assessment
EPA Region 6

cc: Wesley Newberry, TWC

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In future inquiries, please indicate your site's EPA I.D. Number and name as listed, to ensure prompt processing. If you have any questions concerning this matter, please contact me at (214) 655-8374.

Sincerely,

Stacey Bennett
Superfund Site Assessment
EPA Region 6

bcc: B. Williamson (6H-M)
R. Meacham (6X)
V. McFarland (6H-M)
P. Charles (6X)
B. Greenfield (6C-W)

CONSENT FOR ACCESS TO PROPERTY

Name of Owner: City of Garland EPA ID#: TXD980750368
Site Name: Castle Drive & Miles
Road Landfill

Description of Properties:

Abst 225, pg 580, Tr 21

I hereby consent to officers, employees, and representatives authorized by the United States Environmental Protection Agency (EPA) entering and having continued access to my property for the following purposes:

1. Reviewing and copying documents related to site;
2. The taking of such soil, water, and air samples as may be determined to be necessary;
3. The sampling of any solids or liquids stored or disposed on the property;
4. The drilling of holes and installation of monitoring wells for subsurface investigations;

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), 42 U.S.C. § 9601 et seq., as well as 40 CFR Part 300.400 Subpart E.

I am the property owner, or a responsible agent of the property owner, and I warrant that I have the authority to enter into this access agreement.

Place a check mark in the appropriate space. Please note that if no selection is made EPA will assume that you do not wish to be provided with a portion of the sample.

() Please provide me with a portion of each sample taken at the property described above. I understand that there will be no charge for the samples portions provided by the EPA. I also understand that I must furnish suitable containers, be responsible for the laboratory analytical analysis, and sign for the transfer of custody from the EPA designated sampler.

() I do not wish to receive a portion of samples taken at the property described above.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Date _____

Signature, Title _____

725100

PS Form 3800, June 1985 U.S.G.P.O. 1989-234-555

CERTIFIED MAIL

P 571 500 606

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE FOR LOSS OR DAMAGE TO MAIL (See Reverse)

Sent to: Mr. Ken Smith
Street and No.: P.O. Box 469002
City, State and Zip Code: Garland, Texas 75046-9002

Postage: \$

Postmark or Date: S

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional services requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)
2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
Mr. Ken Smith, City of Garland
Rowlett Creek
P.O. Box 469002
Garland, Texas 75046-9002

4. Article Number
P 571 500 606

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X

6. Signature - Agent
X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE
AN EQUAL OPPORTUNITY EMPLOYER

Mr. Ken Smith, City of Garland
Rowlett Creek
P.O. Box 469002
Garland, Texas 75046-9002